

Combined Sewer Overflow Program Consent Decree Briefing

Seattle City Council
Libraries, Utilities, and Center Committee
May 24, 2012



What is a Consent Decree?

- Department of Justice will file a law suit alleging Seattle violated Clean Water Act
 - DOE also joined in the law suit
- Seattle negotiated settlement agreement (Consent Decree) with schedule for implementing the LTCP by 2025
- Seattle one of last cities to have a CD
 - Chicago, Milwaukee, New York, Philadelphia, Alcosan, Louisville, Cleveland, Cincinnati, Washington DC, Hampton Roads VA
- SPU must continue to follow NPDES permit



Negotiation Process

March 2008

Mar 2008	EPA's initial compliance investigation (focus on NMC and CMOM)
Sep 2008	EPA issued Compliance Inspection Report (sited violations of the NPDES permit and CWA)
Jun 2010	EPA began investigation on SPU's LTCP
Oct 2010	EPA and SPU signed an Administrative Order to implement short-term actions
Mar 2011	LTCP Team (SPU and CH2M HILL Team) presented the LTCP work to EPA
Aug 2011	EPA sent first draft of Consent Decree to SPU
	SPU negotiated CD with EPA with support from Cascadia Law, CH2M HILL, Ross & Associates, and HDR
Dec 2011	SPU staff traveled to EPA HQ to negotiate CMOM language
Apr 2011	Final CD language approved by EPA, DOE, and DOJ -Seattle Times Lynda Mapes article, EPA's new Integrated Planning Policy, and other factors helped shape the CD language

April 2012

Approval Schedule

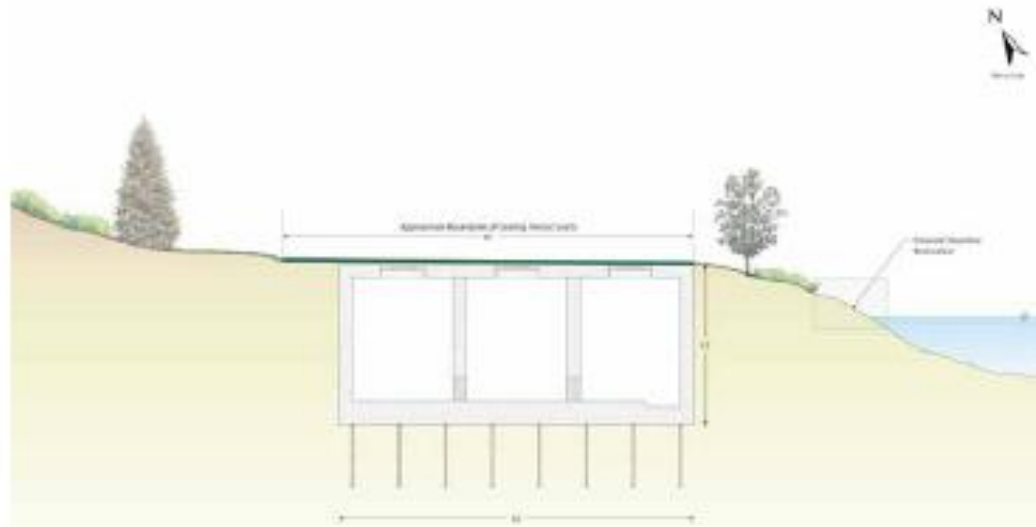
- City approval process by mid-July
- DOJ signs August 21
- 30-day public comment period
- DOJ officially signs
- CD is entered by US District Court October 19
 - Becomes legally binding
- Milestones start 12/31/2012

Early Action Projects

- Early actions required to control North Henderson and South Henderson as currently planned
 - Construction completion dates set since beyond current NPDES (2015)
- Still required to do Windermere and Genesee
 - Significant environmental benefit to these projects



Completed facility – above ground



Completed facility – below ground

CSO Long-Term Control Plan

- Draft LTCP due May 30, 2014
- Final LTCP due May 30, 2015
- LTCP will produce a schedule that will be incorporated into the CD
 - Prioritizes projects that reduce larger amounts of pollutants
 - Completion by 2025
- Encourages green to reduce or replace gray as long as provides same or greater level of control



Integrated Plan

- SPU can prepare integrated plan, where the LTCP can be integrated with stormwater control and treatment to achieve greater environmental benefit
- Integrated plan must be submitted by 2018; SPU plans to complete by 2015 with the LTCP and EIS
- Not a substitution of stormwater for CSO projects, but prioritization and sequencing
 - Need to complete CSO projects (and set completion date)
- Green infrastructure will play a key role
 - Extremely effective in reducing pollutant load reduction



Integrated Plan – Potential Example

CSO Storage Option

4.2 million gallons of raw sewage mixed with stormwater overflow from the Leschi sewer system into Lake Washington each year. Constructing \$44.3 million of sewage storage tanks in Leschi would reduce the annual overflow volume down to 2.2 MG.



Building sewage storage tanks in Leschi would cost...

\$44.3 Million



The project would remove...

479 lbs
Total Suspended Solids Removed



0.2 lbs
Copper Removed



0.7 lbs
Zinc Removed

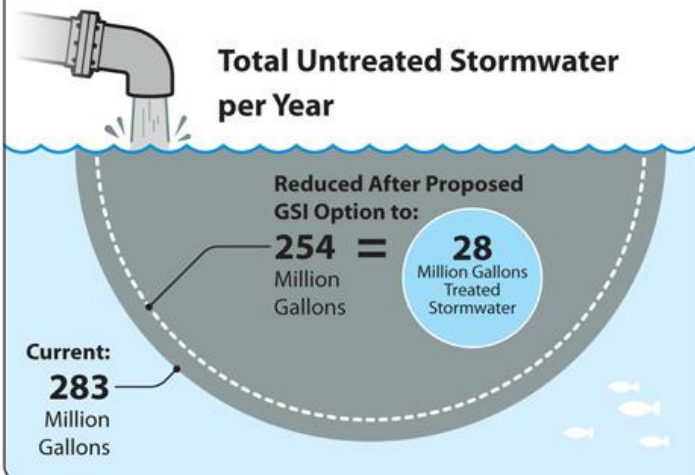


5,000 Billion
Cells Fecal Coliform Removed



Green Stormwater Infrastructure Option

283 million gallons of untreated stormwater flows from the Leschi separated stormwater system into Lake Washington each year. Constructing \$20 million of green stormwater infrastructure in Leschi would treat 28 million gallons of stormwater annually.



Building green stormwater infrastructure in Leschi would cost...

\$20 Million



The project would remove...

10,000 lbs
Total Suspended Solids Removed



2,600 lbs
Copper Removed



14,000 lbs
Zinc Removed



750 Billion
Cells Fecal Coliform Removed



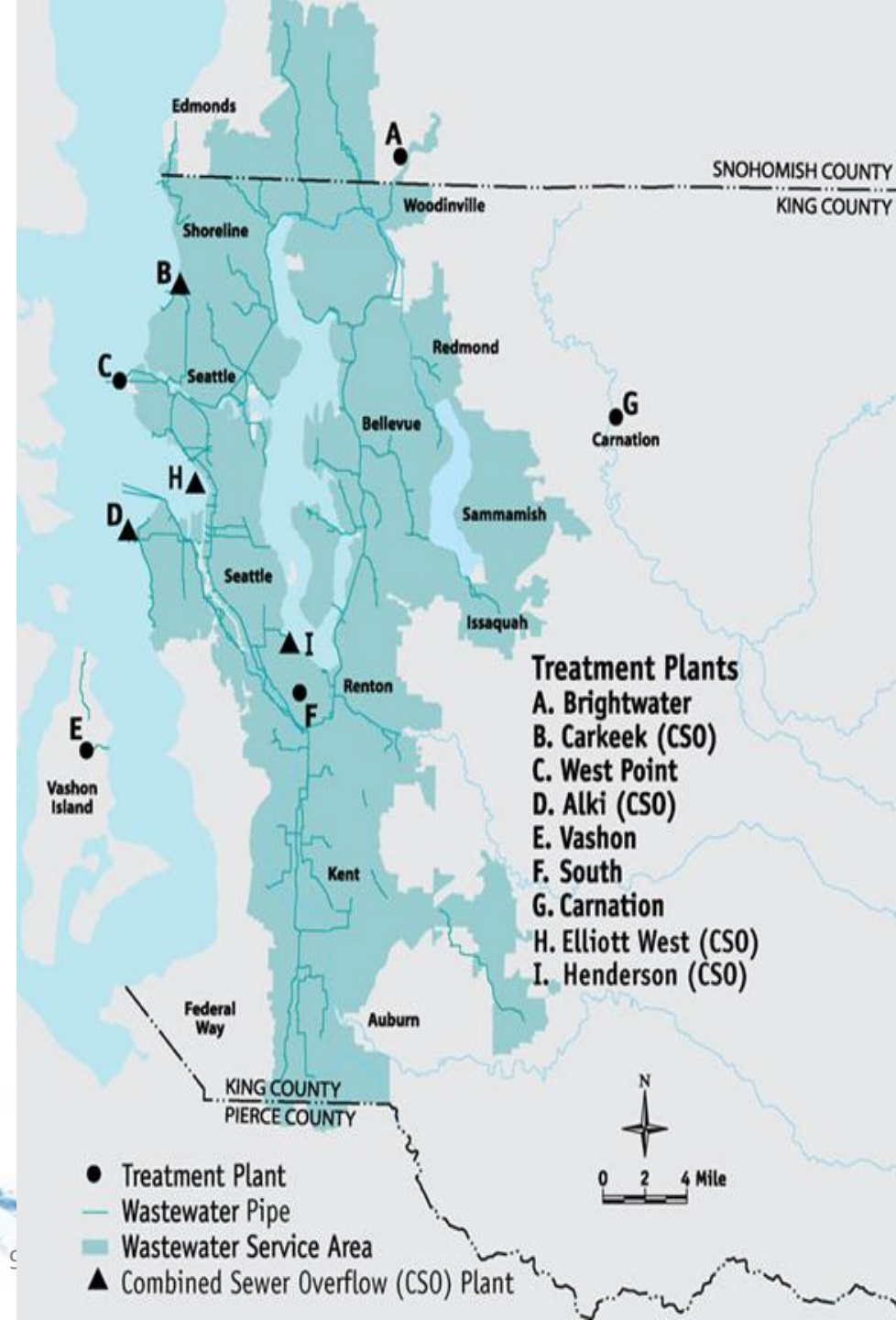
Capacity, Management, Operations & Maintenance

- Submit a CMOM Plan by 12/31/2012 to eliminate SSOs
- Plan based on asset management principles
 - Prioritized maintenance based on condition and risk of failure instead of based on a fixed schedule
 - Performance thresholds for SSO rate
- Other cities have been required to implement prescriptive programs
 - LA, San Diego, Honolulu
- Projected to save \$375 million



Operations Coordination with King County

- Joint Operations and System Optimization Plan by 3/2016
 - Integrate operation during wet weather, dry weather, and transition between dry and wet weather
 - Coordinate operations of future CSO projects
 - Develop real-time communications plan/protocols
 - Identify facilities to be jointly operated
 - Look for additional opportunities for efficiencies
- May ask to modify milestones in LTCP if required to coordinate, but not beyond 2025



Commitment Milestones

- Capacity Management, Operations & Maintenance (CMOM), Fats, Oils, and Grease (FOG), and Floatables Plans by 12/31/2012
- CSO Long-Term Control Plan
 - H&H Report by 12/31/2012
 - Financial Analysis, CSO Alternatives Analysis, and Implementation Schedule by 12/31/2014
 - Draft by 5/30/2014
 - Final by 5/30/2015
- South Henderson construction completion by 12/31/2015
- Joint Operations Plan with King County by 3/1/2016
- Integrated Plan by 3/1/2018
- North Henderson construction completion by 12/31/2018

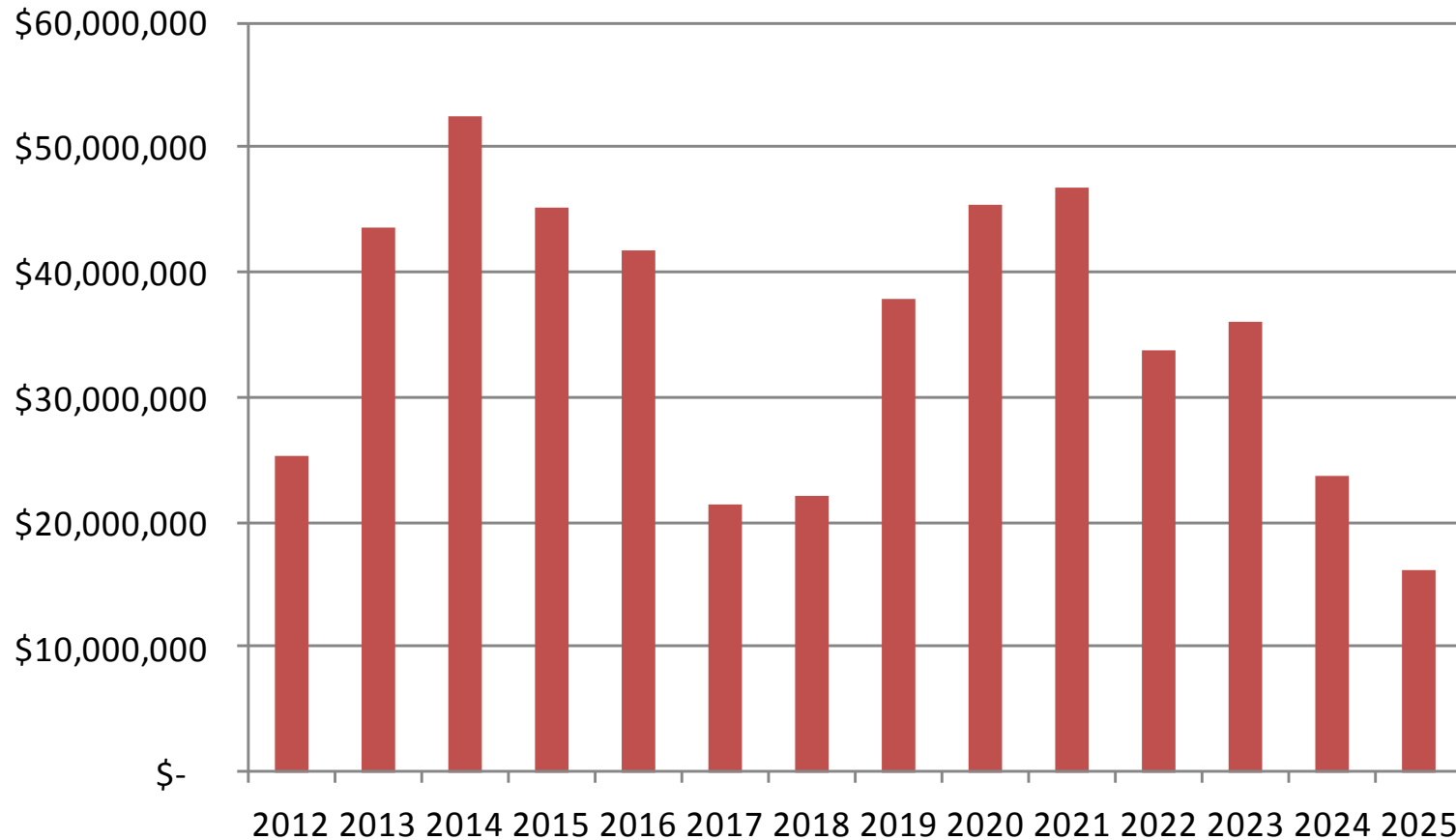
Reporting and Other Requirements

- Annual reports due March 31
- Notice of violations due within 10 days
- EPA and DOE approve in writing any submission
 - SPU has 60 days to submit changes
- Records retention – 5 years after termination of CD
- All employees and contractors required to read CD
- Force majeure – allowance for acts of god as long as SPU notifies EPA and DOE

What's Different

- Penalties
 - Civil penalty = \$350,000
 - Stipulated penalties range from \$1,000/day for violating reporting requirements to \$7,500/day for a dry weather overflow
- Milestone for One year period to achieve controlled status is now a milestone
- “Construction Completion” – completion of infrastructure such that it is in full operation, including SCADA
- “Sewer overflow” includes releases to property that doesn't reach water bodies
- New submittal requirements for approval of GSI projects

Projected Capital Spending on CSO Reduction



Projected Rate Impact

Executing the requirements of the Consent Decree will require a **cumulative maximum rate increase of approximately \$8 per month** for a typical drainage and wastewater customer by the year 2025.



Questions

